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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

J.C.R.S.

Plaintiff,

vs.

COMPLAINT FOR WRIT OF MANDAMUS

William Barr, U.S. Attorney General; J. Robert Bryden II,
Director, Office of Enforcement Operations, U.S.
Department of Justice; Ken Cuccinelli, Director, U.S.
Citizenship and Immigration Services; United States
Citizenship and Immigration Services; and United States
Department of Justice.

Defendants.

COMPLAINT FOR WRIT OF MANDAMUS

NOW COMES THE PLAINTIFF, J.C.R.S., by and through his Attorney Katherine H. Rich and complains as follows:

I. STATEMENT OF ACTION

1. This suit is brought to compel action on J.C.R.S.'s Form I-854A, Inter-Agency Alien Witness and Informant Record, properly sent by the Kent Police Department to the Department of Justice, following the instructions set by the United States Citizenship & Immigration Services ("USCIS"). Defendants have failed to follow regulations governing the issuance of I-854A petitions to J.C.R.S.' detriment.

II. PARTIES

COMPLAINT FOR WRIT OF MANDAMUS
AND DECLARATORY RELIEF - 1

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1 2. Plaintiff J.C.R.S. is a citizen of Mexico and in February 2020 submitted an application
2 for S-5 Nonimmigrant Status based on his assistance providing critical, reliable information resulting in the
3 capture Omar Hussein Aroni, highlighted on Washington's Most Wanted list for the commission of an
4 armed robbery also accused of child rape. Law enforcement aired a video of the then-unidentified Aroni and
5 asked for the public's help identifying him. J.C.R.S. saw the broadcast and rushed to the police station to
6 tell them the name of the man in the video.

7 3. Defendant William Barr is the United States Attorney General, head of the Department of
8 Justice (DOJ), a federal executive department of the United States, named on his official capacity.

9 4. Defendant J. Robert Bryden II is the Director of the Office of Enforcement Operations of
10 the Department of Justice, a federal executive department of the United States, named on his official
11 capacity.

12 5. Defendant Ken Cuccinelli is the Director of U.S. Citizenship and Immigration Services
13 (USCIS), an agency of the United States, named in his official capacity.

14 6. Defendant U.S. Citizenship and Immigration Services is a component of the U.S.
15 Department of Homeland Security, an agency of the United States, and is named in its official capacity.

16 7. Defendant U.S. Department of Justice is a federal executive department of the United
17 States and is named in its official capacity.

18 **III. JURISDICTION**

19 8. Jurisdiction is proper in this court under 28 U.S.C. §§ 1331, 1361.

20 **IV. VENUE**

21 9. Venue lies with this court under 28 U.S.C. § 1391(e) and 28 U.S.C. § 1402.

22 **V. FACTUAL ALLEGATIONS**

23 10. In April of 2019, J.C.R.S provided critical, reliable information resulting in the capture of
24 Mr. Omar Hussein Aroni, a violent offender highlighted on Washington's Most Wanted List.

1 11. J.C.R.S. has remained cooperative and will continue to cooperate in the investigation and
2 prosecution of this matter.

3 12. J.C.R.S. is currently undocumented and has applied for S-5 nonimmigrant status based on
4 his assistance in identifying Mr. Aroni, an armed robber also accused of child rape, and his cooperation
5 with the Kent Police Department in the investigation and prosecution of this crime.

6 13. On February 09, 2020, J.C.R.S., through his counsel Katherine Rich, requested and
7 received the signature of the Chief of the Kent Police Department, Rafael Padilla, on Form I-854A, Inter-
8 Agency Alien Witness and Informant Record, certifying that J.C.R.S. was in fact an informant who
9 provided invaluable information resulting in the identification and arrest of Mr. Aroni.

10 14. J.C.R.S request noted that the Form I-854A package in its entirety must be mailed by the
11 Kent Police Department to the Special Operations Unit of the Office of Enforcement Operations, which is
12 part of the Criminal Division of the U.S. Department of Justice.

13 15. On March 02, 2020, J.C.R.S' counsel received an email from Julie Timm, Prosecution
14 Paralegal of the Criminal Division of the City of Kent Attorney's Office, notifying her that their office had
15 signed the documents and have sent J.C.R.S's I-854A application package to the U.S. Department of
16 Justice.

17 16. On June 21, 2020, Attorney Katherine Rich mailed a letter to the U.S. Department of
18 Justice, Special Operations Unit of the Office of Enforcement Operations, noting that J.C.R.S.'s I-854A was
19 signed by Chief Rafael Padilla of the Kent Police Department and mailed to their unit in February of 2020
20 by Chief Prosecuting Attorney, Tami Perdue, and requesting an update on the status of her client's
21 application, since she had received any confirmation from the Department of Justice. To the day this
22 complaint was filed, Attorney Katherine Rich has received no response from the U.S. Department of
23 Justice.

24 17. On July 17, 2020, Attorney Katherine Rich contacted the U.S. Department of Justice
25 through their online portal message system, requesting to get in touch with someone in the Special

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Operations Unit of the Office of Enforcement Operations regarding a pending S-5 nonimmigrant status petition, submitted by the Kent Police Department, because she had not received any communication nor confirmation of receipt from the U.S. Department of Justice regarding this matter. To the day this complaint was filed, Attorney Katherine Rich has received no response from the U.S. Department of Justice to her online inquiry.

18. On the same day, Attorney Katherine Rich's paralegal called the Special Operations Unit of the Office of Enforcement Operations of the Department of Justice to inquire about J.C.R.S.'s I-854A application, and left a voice message requesting a call back. To the day this complaint was filed, Attorney Katherine Rich has received no response from the U.S. Department of Justice to her voice message.

19. On August 31, 2020, Attorney Katherine Rich's office called the Special Operations Unit of the Office of Enforcement Operations of the Department of Justice to inquire about J.C.R.S.'s I-854A application, and left a voice message requesting a call back. To the day this complaint was filed, Attorney Katherine Rich has received no response from the U.S. Department of Justice to her voice message.

20. As noted, to the day this complaint was filed, Attorney Katherine Rich has received no acknowledgment of receipt of J.C.R.S.' I-854A application from the Department of Justice, nor has she received any update on J.C.R.S.' I-854A application.

21. J.C.R.S. has been damaged by the failure of the Defendants to act in accord with their duties under law. J.C.R.S. is currently without legal status in the U.S., which prevents him from legally working in the U.S. It also places him at risk of being placed in removal proceedings, which would result in him being separated from his family.

VI. FIRST CAUSE OF ACTION - ADMINISTRATIVE PROCEDURE ACT

22. The Defendants are required to adjudicate petitions in accordance with the Constitution, statutes, regulations, and agency precedent.

23. The Defendants have either unlawfully withheld or unreasonably delayed a decision on the I-854 Inter-Agency Alien Witness and Informant Record for J.C.R.S in violation of the Administrative Procedure Act, 5 U.S.C. §§ 555(b), 702, 206(1) and duties imposed by statute or regulation.

VII. SECOND CAUSE OF ACTION - DECLARATORY JUDGEMENT ACT

24. This Court has authority to issue a declaratory judgement regarding the rights and privileges of the parties under 28 U.S.C. § 2201-02.

25. This Court should issue a declaratory judgement establishing that the failure to issue a decision on the I-854A petition was contrary to the Defendant's obligations under the constitution, statutes, regulations, and/or agency precedent.

VIII. REQUEST FOR RELIEF

This Court should enter judgement in favor of the Plaintiff granting the following relief:

1. Declare that the Defendants unlawfully failed to issue a decision on the I-1854A petition for J.C.R.S.
2. Order the Defendants to issue a decision on the I-854A petition;
3. Grant an award of attorney's fees and costs pursuant to 28. USC. § 2412; and
4. Grant such other relief as may be just and reasonable.

Dated this 23rd day of October, 2020.

By: s/ Katherine H. Rich
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